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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the initial report of Burundi*

I. General information

1. In the light of article 19 of the Constitution of Burundi, please clarify whether the Covenant is directly applicable in the State party. Please indicate whether the rights enshrined in the Covenant have been invoked and/or applied by national courts, either as grounds for a case or as interpretative guidance for legal norms.

2. Please provide detailed information on the legislative and administrative measures taken by the State party to guarantee the absolute independence and impartiality of the judicial system.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 1 – Obligation to take steps to the maximum of available resources

3. Please provide information on the impact of the work carried out by the special anti-corruption brigade and on cases brought before the anti-corruption court, as well as information on the results of these investigations.

4. Please provide detailed information on how development assistance received by the State party has been used to realize the rights established under the Covenant. In addition, please provide information on the measures taken to ensure that, in carrying out their activities, foreign businesses and investors respect economic, social and cultural rights.

Article 2, paragraph 2 – Non-discrimination

5. Please indicate the measures taken by the State party to adopt a general anti-discrimination act which outlines all prohibited grounds for discrimination, in accordance with article 2, paragraph 2, of the Covenant. Please provide information on the measures

* Adopted by the presessional working group of the fifty-fifth session (9–13 March 2015).

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taken to combat discrimination in all areas relating to the rights enshrined in the Covenant, particularly against the various ethnic groups including the indigenous Batwa people. In addition, please clarify whether steps have been taken to increase public awareness of the situation of the Batwa and to combat the stigmatization they face.

6. Please provide information on the steps taken to prevent discrimination against persons with disabilities, in particular in the areas of employment, education and access to health-care services. Please provide detailed information on the number of children with disabilities in the State party and the steps taken to protect them from social exclusion and neglect.

7. Please indicate whether the State party has taken any specific measures, including launching awareness campaigns, to prevent and combat discrimination and particularly to eliminate harmful practices against persons affected by albinism.

Article 3 – Equal rights of men and women

8. Please provide detailed information on the measures adopted by the State party to eliminate stereotypes and practices which help to perpetuate discrimination against women. Please provide information on the specific measures taken to guarantee equality between men and women in the exercise of Covenant rights, particularly with regard to inheritance and access to land.

9. Please provide up-to-date information on the results of action taken to combat discrimination against women, including the updated 2012–2025 National Gender Policy, and also on the establishment and operation of the institutional framework for carrying out this policy, which comprises the National Gender Council, the Steering Committee, the Technical Action Committee and provincial and municipal committees.

III. Issues relating to specific provisions of the Covenant (arts. 6–15)

Article 6 – Right to work

10. Please provide information on the impact of measures adopted by the State party in the area of employment, particularly the National Employment Policy adopted in November 2014, and indicate how they are helping to reduce unemployment, particularly among young people and women. Please also provide an update with disaggregated statistics on the progress made in this area.

Article 7 – Right to just and favourable working conditions

11. Please provide updated information on the progress made in establishing a national minimum wage based on an indexing system in order to guarantee workers and their families a decent standard of living.

12. Please provide detailed information on the measures adopted by the State party to improve working conditions in the informal sector.

13. Please give information on the results of measures taken for the effective implementation of legal provisions to prohibit forced labour, particularly of Batwa and children.

14. Please describe and provide information on the functioning of the Labour Inspectorate and other mechanisms in place to monitor working conditions, including in the area of occupational health and safety. Please provide information, including statistics, on the complaints lodged with the Labour Inspectorate and the labour courts, and on the follow-up to these complaints. Please specify whether the State party has labour courts in all regions of the country and explain, where necessary, how labour disputes are dealt with in the regions that have no labour court.

Article 8 – Trade union rights

15. Please inform the Committee of the measures taken by the State party to allow trade unions to exercise fully their right to carry out their activities freely and without interference from public authorities, in accordance with the provisions of article 8 of the Covenant. Please provide information on the measures adopted by the State party to investigate violations of trade union rights, including allegations of death threats against union leaders.

16. Please give details on how the right to strike is exercised in practice and indicate whether collective bargaining mechanisms are in place.

Article 9 – Right to social security

17. Please provide updated information on the impact of measures taken to progressively achieve universal social security coverage, including for persons working in the informal sector and the self-employed. Please also provide up-to-date statistics on the percentage of the population covered by the national social security system.

Article 10 – Protection of the family, mothers and children

18. Please inform the Committee of the measures taken to guarantee the rights of women and mothers to job security, paid leave and maternity benefits.

19. Please provide statistics, broken down by age, sex, ethnicity and area (urban or rural), on the prevalence and nature of child labour. Please provide information on the impact and effects of the implementation of the 2010–2015 National Action Plan to Eliminate the Worst Forms of Child Labour and on other steps taken to stamp out child labour, particularly the worst forms. Please provide information on the number of complaints, investigations, prosecutions and sentences passed in relation to this issue.

20. Please inform the Committee of the specific measures taken to prevent child marriage and forced marriage, particularly among girls.

Article 11 – Right to an adequate standard of living

21. Please provide updated information on poverty levels in the State party, disaggregated by year and region, ethnic group, age group and sex. Please provide information on the outcome of the implementation of the 2007–2010 poverty reduction strategy paper and developments in the second phase of the strategy.

22. Please provide updated information on the prevalence of malnutrition among children under 5 years of age, in particular in disadvantaged and marginalized groups, notably the Batwa. Please also indicate the impact of measures taken to combat

malnutrition and food insecurity, such as the 2008–2015 National Agricultural Strategy and the 2012–2017 National Agricultural Investment Plan.

23. Please provide information on the measures taken by the State party to ensure that disadvantaged and marginalized persons and groups, in particular women, the Batwa and internally displaced persons, have equal access to land and food.

24. Please provide information on the availability and adequacy of housing in the State party. Please also provide information, including statistics, on the measures taken to improve access to infrastructure and basic services such as water, sanitation and electricity.

Article 12 – Right to health

25. Please provide information on the results of measures taken to improve access to health care such as the 2011–2015 Health-Care Development Plan, in particular in rural areas and for disadvantaged and marginalized groups such as the Batwa. Please provide information on measures taken to make medical staff and medical equipment more widely available in all regions and provinces of the State party.

26. Please indicate whether the State party has adopted a specific policy to promote and protect the health of persons affected by albinism.

27. Please provide information on the measures taken to guarantee the accessibility and availability of sexual and reproductive health-care services and on measures taken to raise public awareness and understanding of sexual and reproductive health.

28. Please inform the Committee about the results of the implementation of the national strategic plan to combat HIV/AIDS and on the measures taken to improve coverage in rural areas. Please also provide information on the action taken to increase public awareness and encourage the public to adopt appropriate behaviour given the risk of infection with HIV/AIDS. Please provide information on the results of specific measures taken by the State party to combat malaria and tuberculosis.

Articles 13 and 14 – Right to education

29. Please provide updated information on the effect of measures taken to improve the accessibility and availability of education, particularly in rural areas, and, more specifically, on the results of the 2005 presidential order on free schooling. Please also provide information on the impact of steps taken to improve school attendance rates for all children of school age, particularly Batwa children, internally displaced children and children affected by albinism. Please provide information on the measures adopted to combat high dropout rates in primary and secondary schools.

Article 15 – Cultural rights

30. Please provide information on the measures taken to allow the most disadvantaged and marginalized groups in both rural and urban areas, as well as the Batwa, to have access to and enjoy the right to take part in cultural life, and provide information on the impact of those measures.

31. Please provide information on the impact of the measures adopted to protect the cultural diversity and cultural heritage of the Batwa with respect to their ancestral lands and to create a favourable environment for them to preserve, develop, express and share their identity, history, culture, language, traditions and customs.

32. Please indicate what steps have been taken to ensure the best possible access to the Internet.